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REQUEST

FOR

**CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to:
 Commissioner for Patents
 Box RCE
 Washington, DC 20231

DEC 23 2003

Application Number 09/711,039

Filing Date 11/09/2000

First Named Inventor Edwin C. Bartlett et al.

Art Unit 3731

Examiner Name Gary Jackson

Attorney Docket Number MIT-0223

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114

- a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. Other _____
- b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____

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2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. Other _____

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 16-0221
 - i. RCE fee required under 37 CFR 1.17(e) 12/29/2003 HVUDNG1 00000081 09711039
 - ii. Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 770.00 OP
 - iii. Other any deficiencies
- b. Check in the amount of \$ 770.00 enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	James A. Sheridan	Registration No. (Attorney/Agent)	43,114
Signature	James A. Sheridan 12/16/03		
	Date	12/16/2003	

CERTIFICATE OF MAILING OR TRANSMISSION

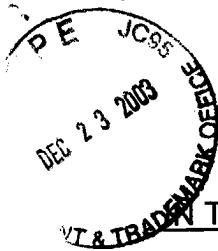
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: BOX RCE, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Name (Print/Type)	James A. Sheridan		
Signature	James A. Sheridan 12/16/03		
	Date	12/16/2003	

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DP/MIT0223.RCE

MIT-0223



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Edwin C. Bartlett et al.
Serial No.: 09/711,039
Filing Date: 11/09/2000
Title: APPARATUS AND METHOD FOR
ANCHORING SUTURES
Group Art Unit: 3731
Examiner: Gary Jackson
Attorney's Docket No.: MIT-0223

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR 1.56, 1.97 and 1.98, Applicants hereby make the following documents of record in the above-identified application:

U.S. Patents

- (1) U.S. Patent No. 1,538,173 issued 05-19-1925 to Daughaday
- (2) U.S. Patent No. 3,254,890 issued 06-07-1966 to Watson
- (3) U.S. Patent No. 3,907,289 issued 09-23-1975 to Bondu, Sr.
- (4) U.S. Patent No. 3,973,277 issued 08-10-1976 to Semple et al.
- (5) U.S. Patent No. 4,386,971 issued 06-07-1983 to Melton et al.
- (6) U.S. Patent No. 4,404,025 issued 09-13-1983 to Mercier et al.
- (7) U.S. Patent No. 4,502,896 issued 03-05-1985 to Duerig et al.
- (8) U.S. Patent No. 4,505,767 issued 03-19-1985 to Quin
- (9) U.S. Patent No. 4,533,411 issued 08-06-1985 to Melton
- (10) U.S. Patent No. 4,553,543 issued 11-19-1985 to Amarasinghe
- (11) U.S. Patent No. 4,565,589 issued 01-21-1986 to Harrison
- (12) U.S. Patent No. 4,605,414 issued 08-12-1986 to Czajka
- (13) U.S. Patent No. 4,632,100 issued 12-30-1986 to Somers et al.
- (14) U.S. Patent No. 4,669,473 issued 06-02-1987 to Richards et al.
- (15) U.S. Patent No. 4,669,725 issued 06-02-1987 to Taylor
- (16) U.S. Patent No. 4,738,255 issued 04-19-1988 to Goble et al.
- (17) U.S. Patent No. 4,741,330 issued 05-03-1988 to Hayhurst
- (18) U.S. Patent No. 4,832,026 issued 05-23-1989 to Jones
- (19) U.S. Patent No. 4,898,156 issued 02-06-1990 to Gatturna et al.
- (20) U.S. Patent No. 4,899,743 issued 02-13-1990 to Nicholson et al.

MIT-0223

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- (21) U.S. Patent No. 4,932,973 issued 06-12-1990 to Gendler
- (22) U.S. Patent No. 4,946,468 issued 08-07-1990 to Li
- (23) U.S. Patent No. 4,968,315 issued 11-06-1990 to Gatturna
- (24) U.S. Patent No. 4,968,316 issued 11-06-1990 to Hergenroeder
- (25) U.S. Patent No. 5,002,550 issued 03-26-1991 to Li
- (26) U.S. Patent No. 5,011,473 issued 04-30-1991 to Gatturna
- (27) U.S. Patent No. 5,041,129 issued 08-20-1991 to Hayhurst et al.
- (28) U.S. Patent No. 5,046,513 issued 09-10-1991 to Gatturna et al.
- (29) U.S. Patent No. 5,067,962 issued 11-26-1991 to Campbell et al.
- (30) U.S. Patent No. 5,073,373 issued 12-17-1991 to O'Leary et al.
- (31) U.S. Patent No. 5,100,417 issued 03-31-1992 to Cerier et al.
- (32) U.S. Patent No. 5,102,421 issued 04-07-1992 to Anspach, Jr.
- (33) U.S. Patent No. 5,141,520 issued 08-25-1992 to Goble et al.
- (34) U.S. Patent No. 5,156,616 issued 10-20-1992 to Meadows et al.
- (35) U.S. Patent No. 5,174,087 issued 12-29-1992 to Bruno
- (36) U.S. Patent No. 5,176,682 issued 01-05-1993 to Chow
- (37) U.S. Patent No. 5,217,486 issued 06-08-1993 to Rice et al.
- (38) U.S. Patent No. 5,258,016 issued 11-02-1993 to DiPoto et al.
- (39) U.S. Patent No. 5,269,809 issued 12-14-1993 to Hayhurst et al.
- (40) U.S. Patent No. 5,290,558 issued 03-01-1994 to O'Leary et al.
- (41) U.S. Patent No. 5,298,254 issued 03-29-1994 to Prewett et al.
- (42) U.S. Patent No. 5,312,438 issued 05-17-1994 to Johnson
- (43) U.S. Patent No. 5,423,860 issued 06-13-1995 to Lizardi et al.
- (44) U.S. Patent No. 5,464,425 issued 11-07-1995 to Skiba
- (45) U.S. Patent No. 4,702,250 issued 10-27-1987 to Ovil et al.
- (46) U.S. Patent No. 5,354,298 issued 10-11-94 to Lee et al.
- (47) U.S. Patent No. 5,782,863 issued 07-21-1998 to Bartlett
- (48) U.S. Patent No. 5,683,418 issued 11-04-1997 to Luscombe et al.

Foreign Patent Documents

- (49) Canadian Patent No. 2,045,903 published 01-03-1992 to American Cyanamid Company
- (50) Canadian Patent No. 2,046,010 published 01-03-1992 to American Cyanamid Company
- (51) Canadian Patent No. 2,159,295 published 03-28-1996 to Mitek Surgical Products, Inc.
- (52) International Patent No. WO 93/09730 published 05-30-1993 to Jacques Bahaud
- (53) European Patent No. 684,013 A published 11-29-1995 to Luscombe et al.

Other Documents

- (54) RICHMOND ET AL., "Modification of the Bankart Reconstruction with a Suture Anchor", The American Journal of Sports Medicine, vol. 19, No. 4, pp. 343-346 (Jul./Aug. 1991).
- (55) WOLF, "Arthroscopic Capsulolabral Repair Using Suture Anchors", Orthopedic Clinics of North America, vol. 24, No. 1, pp. 59-69 (Jan. 1993).
- (56) CARPENTER ET AL. "Pull-Out Strength of Five Suture Anchors", The Journal of Arthroscopic and Related Surgery, vol. 9, No. 1, pp. 109-113 (Feb. 1993).

The above-identified documents 1-3, 5-8, 9, 11, 13, 15, 16, 18-20, 22-28, 31-33, 35, 37, 49, 50, and 54-56, which are listed on the accompanying Form PTO-1449 (four pages), were previously submitted to, or cited by, the Office in U.S. Patent No. 5,626,612. The above-identified documents 10, 12, 14, 17, 21, 29, 34, 36, 38-47, and 51-53, which are listed on the accompanying Form PTO-1449 (four pages), were previously submitted to, or cited by, the Office in U.S. Application Serial No. 09/712,062. Copies of documents 4 and 48, which are also listed on the accompanying Form PTO-1449 (four pages), are enclosed. Applicants respectfully request that these documents be fully considered by the U.S. Patent and Trademark Office during the examination of this application and printed on any patent which may issue on this application. Applicants also respectfully request that a copy of Form PTO-1449 (four pages), as considered and initialed by the Examiner, be returned to the undersigned with the next communication.

Please charge any additional fees due in connection with this submission, or credit any overpayment, to Deposit Account No. 16-0221. A duplicate copy of this submission is enclosed for the convenience of the Examiner.

Thank you.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450, ON:

December 16, 2003

(DATE OF DEPOSIT)

James A. Sheridan

(NAME OF ATTORNEY)

(SIGNATURE)

December 16, 2003

(DATE OF SIGNATURE)

Respectfully submitted,

James A. Sheridan 12/16/2003

James A. Sheridan
Registration No. 43,114
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, MA 02154
Tel. (781) 290-0060

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

1

of

4

Complete if Known

Application Number	09/711,039
Filing Date	11/09/2000
First Named Inventor	Edwin C. Bartlett et al.
Group Art Unit	3731
Examiner Name	Gary Jackson
Attorney Docket Number	MIT-0223

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		1,538,173		Daughday	05-19-1925	
		3,254,890		Watson	06-07-1996	
		3,907,289		Bondur. Sr.	09-23-1978	
		3,973,277		Semple et al	08-10-1976	
		4,386,971		Melton et al.	06-07-1983	
		4,404,025		Mercier et al.	09-13-1983	
		4,502,896		Duerig et al.	03-05-1985	
		4,505,767		Quin	03-19-1985	
		4,533,411		Melton	08-06-1985	
		4,553,543		Amarasinghe	11-19-1985	
		4,565,589		Harrison	01-21-1986	
		4,605,414		Czajka	08-12-1986	
		4,632,100		Somers et al.	12-30-1986	
		4,669,473		Richards et al.	06-02-1987	
		4,669,725		Taylor	06-02-1987	
		4,738,255		Goble et al.	04-19-1988	
		4,741,330		Hayhurst	05-03-1988	
		4,832,026		Jones	05-23-1989	

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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
		CA	2,045,903		American Cyanamid Company	01-03-1992		
		CA	2,046,010		American Cyanamid Company	01-03-1992		
		CA	2,159,295		Mitek Surgical Products, Inc.	03-28-1996		
		WO	93/09730		Jacques Bahaud	05-30-1993		
		EU	684,013	A	Luscombe et al.	11-29-1995		

Examiner Signature

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

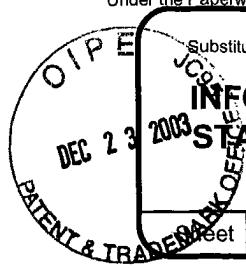
¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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2 of 4

<i>Complete if Known</i>	
Application Number	09/711,039
Filing Date	11/09/2000
First Named Inventor	Edwin C. Bartlett et al.
Group Art Unit	3731
Examiner Name	Gary Jackson
Attorney Docket Number	MIT-0223

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		4,832,026		Jones	05-23-1989	
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		4,899,743		Nicholson et al.	02-13-1990	
		4,932,973		Gendler	06-12-1990	
		4,946,468		Li	08-07-1990	
		4,968,315		Gatturna	11-06-1990	
		4,968,316		Hergenroeder	11-06-1990	
		5,002,550		Li	03-26-1991	
		5,011,473		Gatturna	04-30-1991	
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		5,046,513		Gatturna et al.	09-10-1991	
		5,067,962		Campbell et al.	11-26-1991	
		5,073,373		O'Leary et al.	12-17-1991	
		5,100,417		Cerier et al.	03-31-1992	
		5,102,421		Anspach, Jr.	04-07-1992	
		5,141,520		Goble et al.	08-25-1992	
		5,156,616		Meadows et al.	10-20-1992	
		5,174,087		Bruno	12-29-1992	

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FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered
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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 3 of 4

<i>Complete if Known</i>	
Application Number	09/711,039
Filing Date	11/09/2000
First Named Inventor	Edwin C. Bartlett et al.
Group Art Unit	3731
Examiner Name	Gary Jackson
Attorney Docket Number	MIT-0223

Examiner Signature		Date Considered	
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PTO/SB/08B (10-96)

Approved for use through 10/31/99, OMB 0651-0031

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449B/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	09/711,039
(use as many sheets as necessary)				Filing Date	11/09/2000
				First Named Inventor	Edwin C. Bartlett et al.
				Group Art Unit	3731
				Examiner Name	Gary Jackson
				Attorney Docket Number	MIT-0223
Sheet	4	of	4		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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